

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

RightCHOICE Managed Care, Inc., *et al.*,

Plaintiffs,

v.

Hospital Partners, Inc.; Hospital Laboratory  
Partners, LLC; Empower H.I.S. LLC; RAJ  
Enterprises of Central Florida, LLC d/b/a Pinnacle  
Laboratory Services; LabMed Services, LLC;  
SeroDynamics, LLC; David Byrns; Jorge Perez;  
James F. Porter, Jr.; Beau Gertz; and Mark Blake,

Defendants.

Civil Action No.  
5:18-CV-06037-DGK

**PLAINTIFFS' MOTION FOR JUDGMENT AS A MATTER OF LAW  
AT THE CLOSE OF ALL THE EVIDENCE**

Pursuant to Federal Rule of Civil Procedure 50(a), Plaintiffs respectfully move the Court for entry of an Order granting Plaintiffs' judgment as a matter of law as to their claims for fraud (Count I), tortious interference with contract (Count V), civil conspiracy (Count VI), and money had and received (Count IX) against Defendants Beau Gertz; Mark Blake; SeroDynamics, LLC; and LabMed Services, LLC. This Motion is supported by the trial record and the Suggestions filed contemporaneously herewith and incorporated herein.

Dated: September 26, 2021

By: /s/ Michael L. Jente

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## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically with the United States District Court for the Western District of Missouri, through the Court's CM/ECF system, on the 26th day of September 2021, with notice of case activity sent to counsel of record.

/s/ Michael L. Jente